IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WP(C).No. 26851 of 2007(S)

OA.866/2005 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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PETITIONER:
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1. CHANDRASEKHARAN S.P.,
S/O.LATE PACHANYANDY,
MURALI VIHAR, NEDUNGOTTUR,
SHORNUR P.O., 6791219
(WORKING AS GDSMD).

2. SURESH M.K.
S/O.NARAYNANA NAIR,
PONNULLI HOUSE, MUNDAMUKKU,
GANESHGIRI P.O., SHORNUR - 3.
(WORKING AS GDSMD).

BY ADV. SRI.C.S.MANU
SRI.ANOOP JOSEPH
SRI.ANOOP.V.NAIR

RESPONDENTS:
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1. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF COMMUNICATIONS,
DEPARTMENT OF POSTS, NEW DELHI.

2. DIRECTOR GENERAL OF POSTAL DEPARTMENT
OF POSTS, GOVT. OF INDIA, NEW DELHI.

3. THE POST MASTER,
GANESHGIRI POST OFFICE,
PALAKKAD DISTRICT.

4. ASSISTANT SUPERINTENDENT OF POSTAL
DEPARTMENT, OTTAPALAM.

5. SALAM, TELEGRAM MESSENGER(EXTRA DUTY),

KULAPPULLY, SHORNUR, PALAKKAD DISTRICT.

6. SUNDER RAJ,
MAIL CARRIER (EXTRA DUTY GANESHGIRI POST OFFICE
PALAKKAD DISTRICT.

BY SRI.P.PARAMESWARAN NAIR, ASST.S.G. - R1 TO R4

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 26851 OF 2007-S

Dated 10th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioners are Gramin Dak Sevak employees attached to Ganeshgiri Post Office, Palakkad district. When steps were taken to terminate their services with effect from 15.12.2005, to accommodate respondents 5 and 6, they approached the Central Administrative Tribunal by filing O.A.No.866/2005. The official respondents contended that the petitioners are engaged on stop-gap basis. The respondents 5 and 6 are retrenched hands from other post offices. Therefore, they are entitled to get preference in the matter of posting. It was also contended that the petitioners have no legal right to seek retention in service. The Central Administrative Tribunal after hearing both sides, dismissed the O.A., by Ext.P4 order. This writ petition is filed, challenging Ext.P4 and seeking consequential reliefs.

2. The petitioners have not produced any appointment order. So, it

can be safely presumed that the submissions made by the official respondents regarding the engagement of the petitioners are correct. So, they have no legal right to seek retention in service and are liable to be terminated without notice. In this case the termination is for accommodating the retrenched employees. So, we find nothing illegal with Ext.P4. Accordingly the writ petition fails and it is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/